

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAMES P. OLSEN,

Plaintiff,

vs.

**CITY OF OMAHA,
A Municipal Corporation,**

Defendant.

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CASE NO. 8:08CV246

JUDGMENT

On the Stipulation of the Plaintiff, James P. Olsen, and Defendant, City of Omaha, the Court hereby orders, adjudges, and decrees that Judgment shall be entered for Plaintiff and against Defendant in the following manner:

1. The City shall pay Plaintiff for three hundred eighty-four hours (384) of City trade time accrued between December 29, 2006 and May 3, 2008 as if they were in Plaintiff's compensatory time bank at the time of his leaving City employment, which hours shall be paid at the rate of one and one-half times at Plaintiff's rate of pay, at the time of leaving City service on May 3, 2008 for a total of \$17,614.08 in compensation. Such pay for time worked shall include deductions required by law, including Plaintiff's pension contribution. City shall make those pension contributions that it is required to make also. Since these funds were paid during a pensionable period, they will be included in a recalculation of Plaintiff's pension benefits. City will bring the request for a recalculated pension to the Pension Board within 60 days of entry of this Judgment.

2. That the remaining three hundred (300) hours of City trade time accrued between July 23, 2005, and December 28, 2006, shall be paid to Plaintiff at the rate of pay at the time those hours were worked and are to be paid FLSA straight time or FLSA

overtime depending upon whether there has been a break in Plaintiff's twenty-eight (28) day work period for a total of \$12,229.50 in compensation. Such pay for time worked shall include deductions required by law, including Plaintiff's pension contribution. City shall make those pension contributions that it is required to make also.

3. The City shall pay the Plaintiff interest at the rate of eight percent (8%) from May 3, 2008, to the date of payment for the sums to be paid Plaintiff by Defendant delineated in paragraphs 1 and 2 above.

4. Pursuant to 29 U.S.C.A. § 216, the City shall pay liquidated damages to the Plaintiff in an amount of \$29,843.58 which is equal to the amount outstanding as determined in paragraphs 1 and 2.

5. That the Court will consider Plaintiff's request for attorney fees and costs upon filing of such application. Such application to be filed within thirty (30) days of entry of this Judgment.

IT IS SO ORDERED.

DATED October 6, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**